

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2751 - SB 2607

March 20, 2012

SUMMARY OF BILL: Requires a person convicted of driving under the influence (DUI) while accompanied by a child under eighteen years of age, to serve the 30-day minimum sentence consecutively with any sentence for DUI, vehicular assault, vehicular homicide, or aggravated vehicular homicide.

ESTIMATED FISCAL IMPACT:

On February 13, 2012, a fiscal note was issued indicating a fiscal impact of *Not Significant*. After further review, that impact was in error. The fiscal impact is as follows:

(CORRECTED)

Increase Local Expenditures – Exceeds \$1,300*

Assumptions:

- Current law requires a 30 day minimum sentence for DUI when a minor is present in the vehicle.
- A 48 hour minimum sentence is required for first time DUI offenders.
- Under this bill, offenders would be required to serve both the 30 day minimum and the 48 hour minimum consecutively to each other.
- Approximately 15 offenders annually will be required to serve at least an additional 48 hours of incarceration in local jails.
- According to the Department of Correction, the average county reimbursement for housing state felons for FY11-12 is \$44.83. Estimate assumes the statewide county cost for county jails is \$44.83 per offender per day. The total additional operating cost to local government for 15 offenders serving an additional 2 day sentence is \$1,344.90 (\$44.83 x 15 offenders x 2 days).
- Due to this being the minimum required incarceration for such offenses, the increase in recurring local government expenditures will exceed \$1,386.30.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

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